

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ORDER

For the reasons set forth in the accompanying Memorandum Opinion, plaintiff's Motion for Summary Judgment [Doc. 11] is **DENIED** and defendant's Motion for Summary Judgment [Doc. 14] is **GRANTED**. The Court hereby **DECLARES**, pursuant to Fed. R. Civ. P. 57 and 28 U.S.C. § 2201, that plaintiff's life insurance policy with defendant expired when plaintiff failed to make timely payment of the December 2004 premium and was never successfully reinstated, nor did defendant waive the expiration of the policy when defendant negotiated plaintiff's check and subsequently attempted to refund plaintiff's untimely payment. The Clerk is **DIRECTED** to close this case.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE